IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16212 of 2004

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Between:

N. Venkamma, Hindu, W/o Late Veeraiah,
R/o D.No. 3/86, Rajula Street, High School Road,
Ramavarappadu, Vijayawada Rural Mandal, Krishna District.

..... PETITIONER

AND

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1 Vijayawada-Guntur-Tenali-Mangalagiri Urban Development Authority, Rep. by its Vice Chairman, Vijayawada.
2 Ramavarappadu Gram Panchayat, rep. by its President & Village Secretary, Ramavarappadu, Vijayawada Rural Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of a Writ of Mandamus, declaring the action of the respondents as illegal and ultra vires to the provisions of Articles 14 and 300-A of the Constitution of India besides directing the respondents not to interfere with the constructions made at Door No. 3/86, Rajula Street, High School Road, Ramavarappadu Village, Vijayawada Rural Mandal, Krishna District

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for Respondent No.1: Mr. P.M. GOPAL RAO

Counsel for Respondent No.2: MR.SRINIVAS DAMMALAPATI

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned counsel for the first and second respondents. Both have no objection for disposal of the writ petition at the admission stage.

The present writ petition is filed against the threat for demolition of the construction made by the petitioner for widening of road 5 more feats for the benefit of the complex constructed opposite to the petitioner's property.

It is stated that the petitioner constructed the residential building after obtaining permission from the first respondent through his proceedings dated 29-4-2002 and the same was assessed for the property tax. Opposite to the petitioner's property, one Mr. Subrahmanyam started construction of multi-storeyed complex without leaving any space for the road and with the help of the respondents 1 and 2 threatening to demolish the construction made by the petitioner. The residents of the locality also objected for the high-handed activity and submitted a representation to the respondents. Hence the writ petition.

It is well settled that the respondents without following due procedure prescribed by law and as directed by this court, cannot deprive of the petitioner of his property. Whenever the respondents require the land of the private citizens for widening of road, they have to follow the necessary procedure and put the affected parties on notice. It is needless to observe that the respondents have to follow due procedure and put the petitioner on notice before depriving of his property. On issuance of such notice, the petitioner is at liberty to avail such remedies as are available under the law.

With the above observations, the Writ Petition is disposed of at the admission stage.

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A. Gopal Reddy, J.

10th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Vice Chairman, Vijayawada-Guntur-Tenali-Mangalagiri

Urban Development Authority, Vijayawada.

2 The President & Village Secretary, Ramavarappadu Gram

Panchayat, Ramavarappadu, Vijayawada Rural Mandal, Krishna District.

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